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8 **UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

9 IN RE:

10 JAMES RELAND WHITEHEAD  
11 XXX-XX-8892

12  
13 Debtor

CASE NO. 24-10441-A-13F

DC NO.: LGT-1

CHAPTER 13 TRUSTEE'S OBJECTION  
TO CONFIRMATION OF CHAPTER 13  
PLAN

DATE: April 25, 2024

TIME: 9:30 am

PLACE: U.S. Courthouse  
5th Floor, Dept A, Courtroom 11  
2500 Tulare Street  
Fresno, CA 93721

JUDGE: Hon. Jennifer E. Niemann

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18 **Lilian G. Tsang**, Chapter 13 Trustee in the above referenced matter, objects to confirmation of  
19 the Chapter 13 Plan filed on March 05, 2024, on the following grounds:

20 **I.**

21 **BASIS OF OBJECTION**

22 **1. The debtors plan fails to comply with the provisions of chapter 13 and with other**  
23 **applicable provisions of title 11. [11 U.S.C. §1325(a)(1)]**

24 The Trustee has not yet concluded the Meeting of the Creditors as Debtor failed to provide  
25 several requested documents. The continued meeting will be held on April 23, 2024. Debtor is  
26 required to appear and submit to an examination under oath. [11 U.S.C. §343]. The Trustee may have  
27 further objections to the plan, based on the testimony of Debtor at the continued Meeting of the  
28 Creditors. This case is not ready to be confirmed. The Trustee will supplement this objection when the

1 Trustee becomes aware of further issues regarding confirmation as is required by Congress under 11  
2 U.S.C. §1302(b)(2)(B).

3 Additionally, the plan provides for Planet Home Lending, secured by 296 N. Millard Ave.,  
4 Fresno, CA, as a Class 4 creditor. On March 18, 2024, Planet Home Lending filed a proof of claim.  
5 Claim No. 5-1. According to the proof of claim there are pre-petition arrears in the amount of  
6 \$11,856.93. Class 4 claims "are not in default." Since the claim of Planet Home Lending appear to be  
7 in default, per the proof of claim, the claim should be provided for in Class 1 of the plan.

8 **II.**

9 **POINTS AND AUTHORITIES**

10 11 U.S.C §1322(a) provides that a plan shall provide for certain payments to creditors and for  
11 payment of claims within specified classes. Pursuant to 11 U.S.C. §1325(a)(1) the Court shall confirm  
12 a plan if the plan complies with the provisions of Chapter 13 and with other applicable provisions of  
13 this title.

14 11 U.S.C. §1325(a) provides that the Court shall confirm a plan if certain criteria set forth in  
15 §1325(a) is met.

16 The debtors carry the burden of proving, by a preponderance of the evidence, that the plan  
17 complies with the statutory requirements of confirmation. In re Arnold and Baker Farms, 177  
18 B.R.648, 654 (9th Cir. BAP 1994), In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988), In re Wolff,  
19 22 B.R.510, 512 (9th Cir. 1982).

20 **WHEREFORE**, the Trustee requests that the Trustee's objection to confirmation of the plan be  
21 sustained.

22 DATED: 4/08/2024

Respectfully submitted,

/s/ Lilian G. Tsang

Lilian G. Tsang,

Chapter 13 Trustee